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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,227	08/07/2001	John Blair	7106-001 REG US	2450

7590 11/26/2007
DIANE VAN OS, PATENT ADMINISTRATOR, VISIONEER INC.
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EXAMINER

WORKU, NEGUSSIE

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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11/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/924,227	BLAIR ET AL.	
	Examiner	Art Unit	
	Negussie Worku	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4 and 6-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-4 and 6-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This response is in replay to amendment filed on March 18, 2007. Claims 2-4, 6-8 are pending, of which claims 1, 5, 20-22 are cancelled, and claims 9-19 are remain withdrawn.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/18/07, has been entered.

Response to Arguments

3. Applicant's arguments filed 9/18/2006 have been fully considered but they are not persuasive. Regarding claims 6, the Applicant alleged that the reference fails to show or suggests "auto-launch, capability wherein the user does not have to pres touch screen or give a command". In response, the Examiner respectfully disagrees because this limitation is not found in the claim or not expressly

disclosed in the invention. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., auto-launch, capability wherein the user does not have to press touch screen or give a command) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding claim 7, applicant argues that the prior art does not teach that "a flat bed scanner" In this case, the Examiner asserts that, Nihei teaches a method, as shown in fig 1-3 further comprising flatbed scanner 6 of fig 2, connected to the computer via USB 3, to be controlled by terminal 30 of fig 3, therefore, examiner respectfully disagree with applicant's characterization of the Office action. Accordingly, the office action has been maintained, and made non-final.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 2-4, 6-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Nihei (USP 7,098,942).

With respect to claim 2, Nihei teaches an image acquisition apparatus (as shown in fig 1-3) connected to at least one USB equipped computer, (flat bed scanner 6, connected to computer 30 of fig 3, through USB terminal 3 of fig 1, col.3, lines 45-55) comprising: transmittal means (interface 31 of fig 3) for inputting image data into a control circuit (30 of fig 3, which control the over whole operation of image capture system) within said apparatus (col.4, lines 15-21); transmittal means (interface 31 of fig 3) for sending said image data from said control circuit (30 of fig 3) through the USB system of said compute (col.4, 15-22)r; interface means (30 of fig 3) for said control circuit (30 of fig 3) to receive instructions from, and send data to, control software on said computer (30 of fig 1); at least one of a Compact Memory card reader, (card reader 35 of fig 3, col.4, lines 33-35) a Smart Media card reader, a PC or PCMCIA card, reader, a Memory Stick reader, a Multi Media card reader, a Secure Digital card reader, and an IBM Micro-drive reader (col.5, lines13-17),

With respect to claim 3, Nihei teaches an apparatus (as shown in fig 1-3), further comprising simple control means (a configuration of circuit of fig 3, which in includes a software to control the system through computer 30 fig 3, for controlling the over whole operation of the system of fig 2) for directing complex operations of said control circuit and said control software directly from the

outside of said apparatus, (flatbed scanner 6 of fig 2, connected to the computer via USB 3, to be controlled by computer terminal 30 of fig 3) said means (30 of fig 1) comprising: at least one button (touch panel display unit 33 of fig 3) on said apparatus (image capture system of fig 1 and 2) wherein said button has a function determined by said control software (touch panel 33 of fig 3, a part of computer 30 of fig 3); an interface (I/F interface 31 of fig 3) for said button (touch sensitive panel 33 of fig 3) to direct said control circuit and said control software (col.4, lines 19-22, and also col.48-53).

With respect to claim 4, Nihei teaches an apparatus (as shown in fig 1-3), wherein said image input means (image capture system of fig 1, which is a flat bed scan 6, as shown in fig 1 and 2) further comprising a scanner, (6 of fig 1) said scanner comprising: a transparent platform for placing items to be scanned, (platen glass of the scanner 6 of fig 1 or 2) said items comprising photographs, documents, or drawings, (by image capture unit 6, document or picture can be scanned) and said platform having rectangular dimensions (platen glass of flatbed scan system 6 of fig 1, having a standard dimension); optical scanning hardware for scanning images of said items, wherein said hardware includes a scanning module (flatbed scan 6 of fig 2) slid ably installed inside said housing, (flat bed 6 of fig 2, can be installed in the housing shown in fig 1 and 2) said scanning module (6 of fig 2) being approximately as wide as one of the dimensions of said transparent platform, (image capture unit 6 of fig 2, having a glass platen for placing document to be scanned) said scanning module (image

capture system of fig 1 and 2) comprising: a mechanism and assembly for moving said module along one of the axes of said transparent platform (a flat bed scan system of fig 1 or 2, having a mechanism for moving the driving system of the capturing device, in a reciprocating fashion for reading every area of the document to be scanned, so it is inherent); a bottom light source for emitting light towards said items, (flatbed scan 6 of fig1 or 2, assembled with a light source that is incident to image sensor, which is positioned under the platen glass emitting toward the document, and reflecting back to the sensor, due to the incident light to image sensor, image sensor convert the image to digital data, so that it is inherent to image capturing system to have a light source assembly) the an image converter for converting said image of the item into a digital image, (image sensor of flatbed capture unit 6 of fig 1 or 2) a closeable top (for glass platen of image capture unit 6 of fig 1 or 2) with dimensions slightly larger than the dimensions of said transparent platform, handedly attached to said housing so that said top covers said transparent platform when closed (a cover of flatbed scan of fig 6, which is in a closed position to cover the transparent glass platen of fig image capture device of fig 1 and 2).

With respect to claim 6, Nihei teaches an image processing method (as shown in fig 1-3), an image processing method (fig 1) in an image acquisition apparatus (6 of fig 2) connected to at least one USB equipped computer, (computer 30 of fig 2, connected to image capture unit 6 of fig 2, via USB 3 of fig 2, col4, lines 47-50) comprising: an image input (image capture unit 6 of fig 1)

step for inputting image data into a control circuit (computer 30 of fig 3) within said apparatus (fig 1 or 2); a transmittal step for sending said image data from said control circuit through the USB system of said computer (image data inputted by image capture unit 6, to computer 30 of fig 3, via USB 3 of fig 1, col.3, lines 50-55); an interface (display screen on display unit 1 of fig 2) step for said control circuit (CPU of computer 30 of fig 3) to receive instructions from, and send data to, control software on said computer (30 of fig 3); detecting the insertion of the appropriate media into at least one of a Compact Flash Memory card reader, (computer 30 of fig 3, controls the over whole system including detecting the insertion of card reader, col.3, lines 40-45) a Smart Media card reader, a PC or PCMCIA Card reader, a Memory Stick reader, a Multi Media card reader, a Secure Digital card reader, and a IBM Micro drive reader (an image capturing system shown in fig 1-3, having at least on card reader 35 of fig 3, col.4, line 35-40).

With respect to claim 7, Nihei teaches a method (as shown in fig 1-3), further comprising simple control means (a configuration of circuit of fig 3, which in includes a software to control the system through computer 30 fig 3, for controlling the over whole operation of the system of fig 2) for directing complex operations of said control circuit and said control software directly from the outside of said apparatus, (flatbed scanner 6 of fig 2, connected to the computer via USB 3, to be controlled by computer terminal 30 of fig 3) said means (30 of fig 1) comprising: at least one button (touch panel display unit 33 of fig 3) on said

apparatus (image capture system of fig 1 and 2) wherein said button has a function determined by said control software (touch panel 33 of fig 3, a part of computer 30 of fig 3); an interface (I/F interface 31 of fig 3) for said button (touch sensitive panel 33 of fig 3) to direct said control circuit and said control software (col.4, lines 19-22, and also col.48-53).

With respect to claim 8, Nihei teaches an apparatus (as shown in fig 1-3), wherein said image input means (image capture system of fig 1, which is a flat bed scan 6, as shown in fig 1 and 2) further comprising a scanner, (6 of fig 1) said scanner comprising: a transparent platform for placing items to be scanned, (platen glass of the scanner 6 of fig 1 or 2) said items comprising photographs, documents, or drawings, (by image capture unit 6, document or picture can be scanned) and said platform having rectangular dimensions (platen glass of flatbed scan system 6 of fig 1, having a standard dimension); optical scanning hardware for scanning images of said items, wherein said hardware includes a scanning module (flatbed scan 6 of fig 2) slid ably installed inside said housing, (flat bed 6 of fig 2, can be installed in the housing shown in fig 1 and 2) said scanning module (6 of fig 2) being approximately as wide as one of the dimensions of said transparent platform, (image capture unit 6 of fig 2, having a glass platen for placing document to be scanned) said scanning module (image capture system of fig 1 and 2) comprising: a mechanism and assembly for moving said module along one of the axes of said transparent platform (a flat bed scan system of fig 1 or 2, having a mechanism for moving the driving system of

the capturing device, in a reciprocating fashion for reading every area of the document to be scanned, so it is inherent); a bottom light source for emitting light towards said items, (flatbed scan 6 of fig1 or 2, assembled with a light source that is incident to image sensor, which is positioned under the platen glass emitting toward the document, and reflecting back to the sensor, due to the incident light to image sensor, image sensor convert the image to digital data, so that it is inherent to image capturing system to have a light source assembly) the an image converter for converting said image of the item into a digital image, (image sensor of flatbed capture unit 6 of fig 1 or 2) a closeable top (for glass platen of image capture unit 6 of fig 1 or 2) with dimensions slightly larger than the dimensions of said transparent platform, handedly attached to said housing so that said top covers said transparent platform when closed (a cover of flatbed scan of fig 6, which is in a closed position to cover the transparent glass platen of fig image capture device of fig 1 and 2).

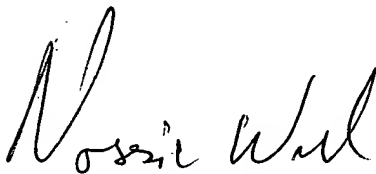
Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Negussie Worku whose telephone number is 571-272-7472. The examiner can normally be reached on 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung Moe can be reached on 571-272-7314. The fax

phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in cursive script, appearing to read "Negussie Worku".

November 18, 2007

Negussie Worku
Examiner
Art Unit 2625